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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,895	09/23/2003	Zvonimir Z. Bandic	HSJ920030180US2	2521

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EXAMINER

DATSKOVSKIY, MICHAEL V

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,895

Applicant(s)

BANDIC ET AL.

Examiner

Michael V. Datskovskiy

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[Handwritten signature]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8 and 10-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,10,11 and 15-21 is/are rejected.
- 7) ☒ Claim(s) 12-14,22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/06/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-5, 8, 10-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 10, 19 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Regarding to the claim 10: The parent claim 1 claims a cover as a part of a hard disk drive. Hence, claim 10 contradicts the parent claim 1. Regarding to the claims 19: The parent claim 18 claims the hard disk drive housing as being at least partially translucent. Therefore, it cannot be completely transparent and clear, as it is claimed in the dependent claim 19.

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Regarding to the claim 21: It is not clear, what is the difference between the cover being: "partially transparent" in the parent claim 18, or "translucent" in the dependent claim 21.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Scott et al (US Patent 4,280,155).

Scott et al teach a hard disk drive, Figs. 1-5, having a transparent or translucent (semi-transparent) cover 4 mounted to the housing (see col. 3, lines 11-12) for allowing observation of all interior parts during operation of the disk drive. It is inherent, that the disk drive is mounted in some kind of an electronic device.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-5 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al.

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Scott et al teach all the limitations of the claim except said electronic device is a desktop computer (claim 2) or an MP3 player (claim 3) or a pocket PC (claim 4) or a mobile telephone (claim 5). It would have been obvious to one ordinary skilled in the art at the time invention was made to use transparent covers as they are shown by Huang for observing interior rotating parts in any of these electronic devices, since a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Regarding to claims 8 and 15-21: Scott et al teach all limitations of the claims except said cover is tinted with a color, or said electronic system further comprising decorations causing appearance of color, and change and movement of color depending on an angle of observation; or comprising a pattern decoration, wherein said pattern decoration is a diffraction pattern. It would have been obvious to one ordinary skilled in the art at the time invention was made to alter the color of the cover or the patterns of the elements of the disk drive in the device by Scott et al, since it has been held that it is well with the purview of a skilled artisan and absent an unobvious result, because the change of color or pattern, which is applicable and analogous to printed matter and the differences of printed matter (i.e. color, patterns decorations) cannot afford a basis for different patents. See *Ex Parte S*, 25 J.P.Q.S. (Bd. Ap. 1943).

9. Claim 8 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al in view of Van Harmersveld (WO 02/32999 A2).

Scott et al teach all the limitations of the claim except said cover is tinted with a color.

Van Harmersveld teaches translucent or transparent material for making a data storage device housings (page 23, line 17), which in order to enhance its appearance could be tinted with a color (page 18, lines 19-20; It would have been obvious to one ordinary skilled in the art at the time invention was made to tint with color the cover in the device by Scott et al as it is shown by Van Harmersveld, in order to enhance appearance of the device.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al

Martin et al teach a hard disk drive, Figs. 1-17, having a window for observing a shock sensor mounted to the housing of disk drive (see Fig. 14). In colon 12, lines 41-46

Martin et al teach said window being transparent or translucent, and further mentions that an entire housing could be made transparent. It looks like Martin et al just missed the term "translucent" for the housing. However, it would have been obvious to one ordinary skilled in the art at the time invention was made to make translucent the entire housing in the device by Martin et al order to enhance appearance of the device.

Allowable Subject Matter

11. Claims 12-14 and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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12. The following is a statement of reasons for the indication of allowable subject matter: said electronic system further comprising a flashing device mounted to the housing for making movement inside the housing appear to move at a speed that is less than an actual speed of the movement.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Datskovskiy whose telephone number is (571) 272-2040. The examiner can normally be reached on 8-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael V Datskovskiy
Primary Examiner
Art Unit 2835

09/19/2005